

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: CHARLES OLIVER, MEMBER

ALSO PRESENT: Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the Commission was present except for Member OLIVER.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made.

MOTION by AUSILIO seconded by PENZIEN to approve the agenda as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES


3. The minutes of the previous meeting held on June 20, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by PENZIEN seconded by THOEL to approve the minutes of the meeting of June 20, 2006 as presented.

MOTION carried.

AGENDA ITEMS

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

4.  **Site Plan & Ground Sign Review; Kroger at Macomb Park;** Located on the southwest corner of 26 Mile and Romeo Plank Road; Romeo Plank Commons, LLC, Petitioner. Permanent Parcel No. 08-06-200-049.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated all previous issues have been resolved and that the final plans must be revised to indicate that the plastic strips will be affixed to all door types for sound deadening. He further stated his recommendation of approval.

Mr. Mark McAlpine, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by KOEHS seconded by PENZIEN to approve the Site Plan & Ground Sign Review; Kroger at Macomb Park; Permanent Parcel No. 08-06-200-049 with the following standard and special conditions:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

6. **Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
7. **That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
8. **An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
9. **The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
10. **That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
11. **That all signs be designated on the site plan and meet the Township requirements.**
12. **That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
13. **MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
14. **That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a**

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.

15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006


ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

25. That the site plan be revised to indicate that plastic strips will be installed on all overhead and man doors that face the residential area.

MOTION carried.

5.  **Ground Sign; Carlton Place;** Located on the west side of Card Road, approximately ¼ mile north of 21 Mile Road; Section 27; Clinton Fuller, Petitioner. Permanent Parcel No. 08-27-448-028.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated this was a typical subdivision ground sign and stated his recommendation of approval for Lot 1 only.


MOTION by AUSILIO seconded by PENZIEN to approve the Ground Sign for Carlton Place; Permanent Parcel No. 08-27-448-028 for Lot 1 only with the following conditions:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That a \$500 cash bond be posted assuring the construction of the sign as approved.
3. That any Easement Encroachment Agreements be obtained for the Township.

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

4. That revised drawings be submitted indicating that the wall will be located a minimum of 11' from the property line along Card Road and the wording to be displayed on the sign that will be attached to the wall.

MOTION carried.

6.  **Special Land Use; Christian Life Church Youth Center;** Located on the southwest corner of 21 Mile Road and Gratiot Avenue; Section 36; Christian Life Church, Petitioner. Permanent Parcel 08-36-228-008.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item in detail and read his review of the eight required points regarding a special land use request as follows:

It is recommended that the special land use permit be denied for a youth center since the proposed use does not comply with the standards set forth in Section 10.2401(B)(5)(a), as follows:

1. The proposed youth center shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.

PLANNER'S COMMENTS – The proposed youth center would be in such a location so as to not be harmonious with the surrounding industrial neighborhood. A youth center is by nature a residential activity and not compatible with the character of an industrial district.

2. The proposed youth center shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.

PLANNER'S COMMENT – The proposed youth center would be located in an area that does not provide for safe pedestrian access for the use as proposed. The traffic patterns and vehicle routes of traffic flow within the district of the proposed use are incompatible with the proposed activity and sufficient attention to minimizing child-vehicle interfacing cannot be provided for the use.

3. The proposed youth center shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.

PLANNER'S COMMENT – None.

4. The proposed youth center shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.

PLANNER'S COMMENT – None.

5. The proposed youth center shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

PLANNER'S COMMENT – The proposed youth center does not relate harmoniously with the physical aspects of the adjacent industrial uses.

6. The proposed youth center is necessary for the public convenience at the proposed location.

PLANNER'S COMMENT – The proposed youth center is not necessary for the public convenience at the proposed location.

7. The proposed youth center is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.

PLANNER'S COMMENT - The proposed youth center is not located in such a manner that the public health, safety and welfare can be protected since an obvious residential activity is in too close of a proximity of industrial vehicles, traffic, and general industrial activities.

8. The proposed youth center shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

PLANNER'S COMMENT - The proposed youth center is not in harmony with the general purpose and intent of the Zoning Ordinance since a youth center is not permitted as a matter of right in an industrial district.


MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

He then stated his recommendation of denial.

Mr. Andy Fischer, representing the petitioner, was also present to answer any questions which the commission might have.

MOTION by AUSILIO seconded by PENZIEN to deny the Special Land Use request for Christian Life Church Youth Center; Permanent Parcel 08-36-228-008 because of the health, safety and welfare concerns as outlined above by the Planning Consultants.

MOTION carried.

7.  **Special Land Use; Baker's Square at Fountains of Macomb;** Located on the east side of Hayes Road, north of 21 Mile Road; Section 30; VICORP Restaurants, Petitioner. Permanent Parcel No. 08-30-354-022.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item in detail and read his review of the eight required points regarding a special land use request as follows:

1. The proposed restaurant to serve alcoholic beverages shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.

PLANNER'S COMMENT – The proposed restaurant to serve alcoholic beverages is in too close a proximity to an established single family residential neighborhood and therefore would be considered not harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity.

2. The proposed restaurant to serve alcoholic beverages shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.

PLANNER'S COMMENT – None.

3. The proposed restaurant to serve alcoholic beverages shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.

PLANNER'S COMMENT – The proposed restaurant to serve alcoholic beverages, because of its location in such close proximity to the established single family neighborhood, with its rear doors facing said neighborhood, will result in possible nuisance resulting from noise as part of the normal operation of said use.

4. The proposed restaurant to serve alcoholic beverages shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.

PLANNER'S COMMENT – It is not realistic to provide for sufficient fencing and/or landscaping between the proposed restaurant to serve alcoholic beverages and the abutting single family neighborhood so as not to unreasonably affect the value of the land and buildings of abutting residential neighborhoods.

5. The proposed restaurant to serve alcoholic beverages shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

PLANNER'S COMMENT – None.

6. The proposed restaurant to serve alcoholic beverages is necessary for the public convenience at the proposed location.

PLANNER'S COMMENT – The proposed restaurant to serve alcoholic beverages is not considered as a necessary public convenience at the proposed location.

7. The proposed restaurant to serve alcoholic beverages is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.

PLANNER'S COMMENT – The proposed restaurant to serve alcoholic beverages is not designed located and planned in such a manner that the public health, safety and welfare will be protected since said use is in too close proximity to a single family neighborhood.

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

8. The proposed restaurant to serve alcoholic beverages shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

PLANNER'S COMMENT – The proposed restaurant to serve alcoholic beverages is detrimental and injurious to the neighborhood as per the Zoning Ordinance since the C-2 District only permits as a matter of right, restaurants not serving alcoholic beverages.

He then stated his recommendation of denial.

Mr. Patrick Howe, Attorney, representing the petitioner, was also present to answer any questions which the commission might have.

There was discussion regarding the hours of operations, the type and manner of alcohol service to be provided, the size of the 'bar' area in the restaurant, etc.

MOTION by KOEHS seconded by AUSILIO to table this matter to the July 18, 2006 Planning Commission meeting to allow the petitioner a chance to review their request and propose any restrictions they wish the Commission to consider.

MOTION carried.

MOTION by AUSILIO seconded by THOEL to amend the previous motion and to table this matter to the August 1, 2006 Planning Commission meeting to allow the petitioner more time to review their request and propose any restrictions they wish the Commission to consider.

MOTION carried.

9. Motion to receive and file all correspondence in connection with this agenda.

MOTION by PENZIEN seconded by THOEL to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS - NONE

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
MONDAY, JULY 3, 2006

PLANNING COMMISSIONERS COMMENTS - NONE

ADJOURNMENT

MOTION by PENZIEN seconded by ZOLNOSKI to adjourn the meeting at 8:00 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary